

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

P.A.S.: Change of Zone #3392 **DATE:** March 17, 2003
Preliminary Plat #02028-Aspen Ridge 1st Addition

SCHEDULED PLANNING COMMISSION MEETING: **DATE:** April 2, 2003

PROPOSAL: Change of zone from AGR-Agriculture Residential to R-3- Residential
Preliminary plat 30 residential lots.

WAIVER REQUEST: Street trees on SW 27th Street.

LAND AREA: 5.85 acres more or less.

CONCLUSION: The plan is consistent with the 2025 Comprehensive Plan. This plat develops Outlot "C" of Aspen Ridge Preliminary Plat. However the plat shows lots within the LDN 70 noise contour and does not comply with Chapter 27.58 of the Zoning Ordinance.

<u>RECOMMENDATION:</u>	
Change of Zone #3392	Approval with revised legal description
Preliminary Plat #02028	Conditional Approval
<u>WAIVER REQUEST</u>	
Street trees along S.W. 27 th St.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Change of Zone #3392: see attached legal description.

Preliminary Plat #02028: A part of Lot 22, Block 2, Aspen Ridge 1st Addition, located in the NW 1/4 of Section 33, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska.

LOCATION: S.W. 27th St. and West “A” St.

APPLICANT: Robert Benes
Aspen Builders
6120 Village Dr. Suite “B”
Lincoln, NE 68516
(402) 423-6811

OWNER: same as applicant

CONTACT: Lyle Loth
ESP
601 Old Cheney Rd. Suite “A”
Lincoln, NE 68512
(402) 421-2500

EXISTING ZONING: AGR, Agriculture Residential and R-3, Residential.

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING:

North: R-3, Residential and AGR, Agriculture Residential
South: R-3, Residential
East: R-3, Residential
West: H-4, General Commercial and AGR, Agriculture Residential

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Comprehensive Plan shows this area as Urban residential.

The S.W. 27th St. & West “A” St. subarea plan shows this area as Urban residential.

“Encourage different housing types and choices, including affordable housing throughout each neighborhood for an increasingly diverse population.” (F-18)

Guiding Principles for New Neighborhoods include: (F67)

1. Similar housing types face each other: single family faces single family.
2. Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads.

The city of Lincoln's Airport Environs Noise District and Airport Zoning Regulations have been established to ensure the balance between the airport operations and the surrounding land use. (F-123)

The Lincoln Airport Authority will assess the existing and future noise impacts, noise contours for the Airport environment in a Part 150 Airport Noise Compatible Planning Study. These results could effect the development patterns in southwest and northwest Lincoln and other parts of the County. (F-123)

HISTORY:

Date when preliminary plat was submitted:	December 24, 2002
Date when Planning Director's letter was sent:	January 16, 2003
Date when revised preliminary plat was submitted:	February 28, 2003

April 9, 2001 Aspen Ridge Preliminary Plat was accepted by City Council.

April 16, 2001 Change of Zone #3258 from AGR to R-3 was approved by City Council

April 16, 2001 Change of Zone #3303 from AGR to R-3 was approved by City Council

Changed from AA Rural and Public Use District to AGR Agriculture Residential District with the 1979 zoning update.

UTILITIES: Utilities are available in W. Washington St. and W. Garfield St.

TOPOGRAPHY: Nearly level, slight slope from west to east.

TRAFFIC ANALYSIS: All of the streets are classified as local streets. S.W. 27th Street is a rural gravel road. S.W. 27th Street needs to be paved to urban standards.

PUBLIC SERVICE: The nearest fire station is Station #13 located at approximately Cossington Ave. and West "A" St.
Roper Elementary school is located at Coddington Ave. and W. South St.

ANALYSIS:

1. This is a request to preliminary plat 30 residential lots and request a change of zone from AGR to R-3.

2. This preliminary plat covers Outlot "C", the last phase of Aspen Ridge Preliminary Plat.
3. This area is located within the Airport Environs Noise District. An Avigation and Noise Easement was filed on this property with the original preliminary plat.
4. A portion of this plat lies above the LDN 70 noise contour. Residential development is not allowed above the LDN 70 line. Section 26.11.105 of the Land Subdivision Ordinance states "All platting and subdivision of land within the Airport Environs District shall be conditioned upon compliance with all terms and conditions of Chapter 27.58."
5. The area above the LDN 70 line should remain as an Outlot and remain AGR zoning.
6. AGR zoning requires a 3 acre minimum lot size.
7. The Lincoln Airport Authority is currently conducting a Noise Compatibility Study. The study is scheduled to be completed and approved by the Lincoln Airport Authority by mid summer 2003. The study then must be accepted by the F.A.A. After the F.A.A. has accepted the study, the study must then be made part of the Lincoln Zoning Ordinance.
8. The applicant is requesting a waiver to street trees on S.W. 27th Street. This same waiver was granted with the original preliminary plat. There is an existing tree mass along S.W. 27th Street. Due to the existing tree mass, this waiver is acceptable.

If the Planning Commission chooses to recommend approval and conditional approval of the application, the following conditions are suggested.

CONDITIONS:

Change of Zone Conditions

After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1. Revise the boundary of the change of zone to leave a minimum of three acres zoned AGR that includes all of the area above the LDN 70 noise contour.

PRELIMINARY PLAT CONDITIONS

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 Utility easements as requested by the March 10, 2003 L.E.S. report.
 - 1.1.2 Remove "Community Unit Plan and Special Permit" from the Approval Block and Acceptance Block.
 - 1.1.3 Add the planting method to the Landscape Schedule.
 - 1.1.4 List the requested waiver(s) on Sheet 1.
 - 1.1.5 An Outlot with a minimum area of three acres that includes the area between S.W. 27th Street and the LDN 70 line.
 - 1.1.6 Delete notes 14 and 15.
 - 1.1.7 Show the future lot and street pattern with dashed lines for the area to be designated as an Outlot.
2. The City Council approves associated request:
 - 2.1 Change of Zone #3392 from AGR to R-3.
 - 2.6 A modification to the requirements of the land subdivision ordinance to allow the existing tree mass along S.W. 27th Street and waive street trees along S.W. 27th Street.

General:

3. Final Plats will be scheduled on the Planning Commission agenda after:

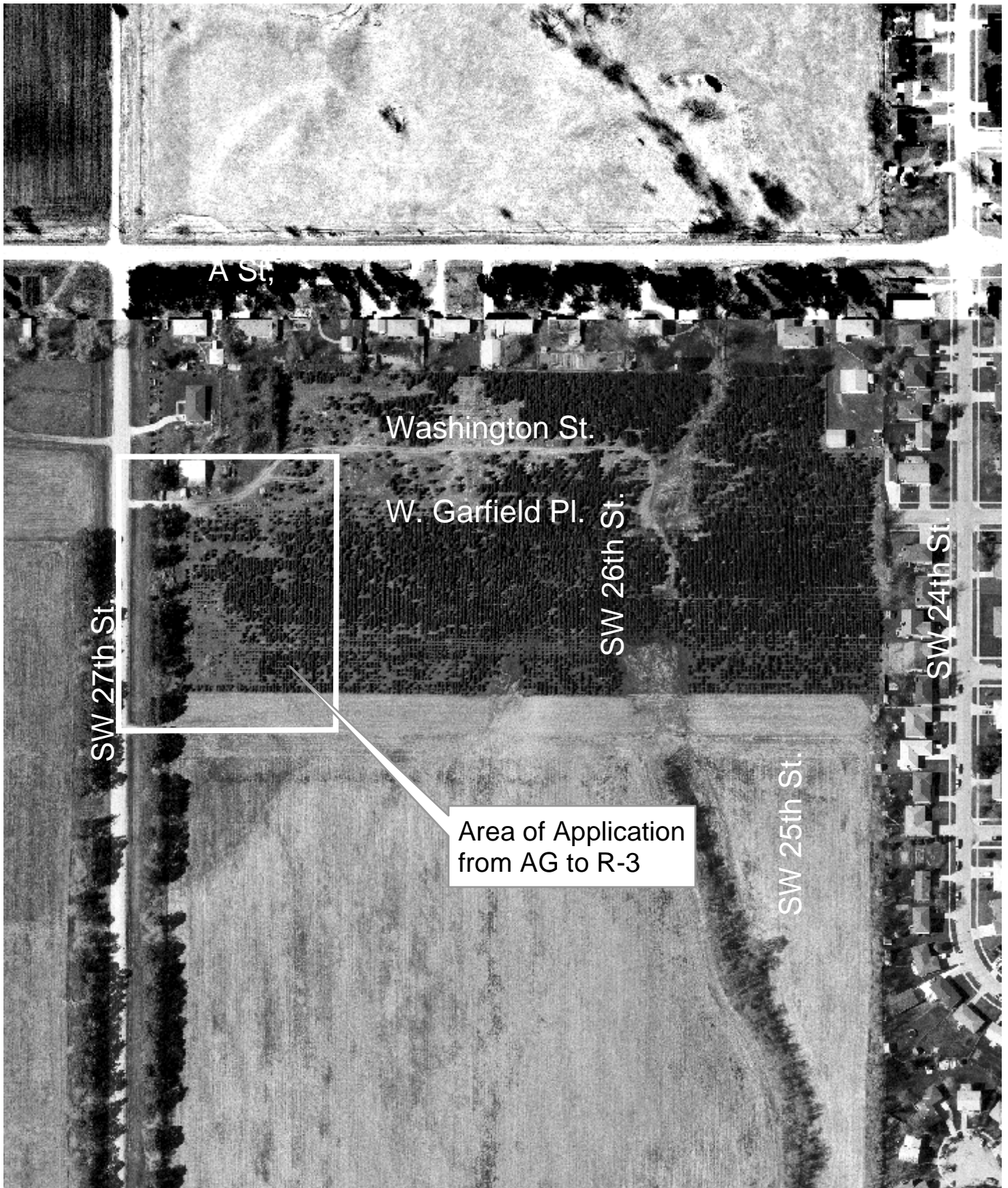
- 3.1 You have completed or posted a surety to guarantee the completion of the public streets, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.
- 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - 3.2.1 To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - 3.2.2 To submit to the lot buyers and home builders a copy of the soil analysis.
 - 3.2.3 To pay all improvement costs.
 - 3.2.4 To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
 - 3.2.5 To protect the trees that are indicated to remain during construction and development.
 - 3.2.6 To continuously and regularly maintain street trees.

Prepared by:

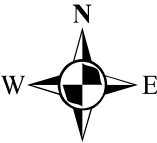
Tom Cajka
Planner

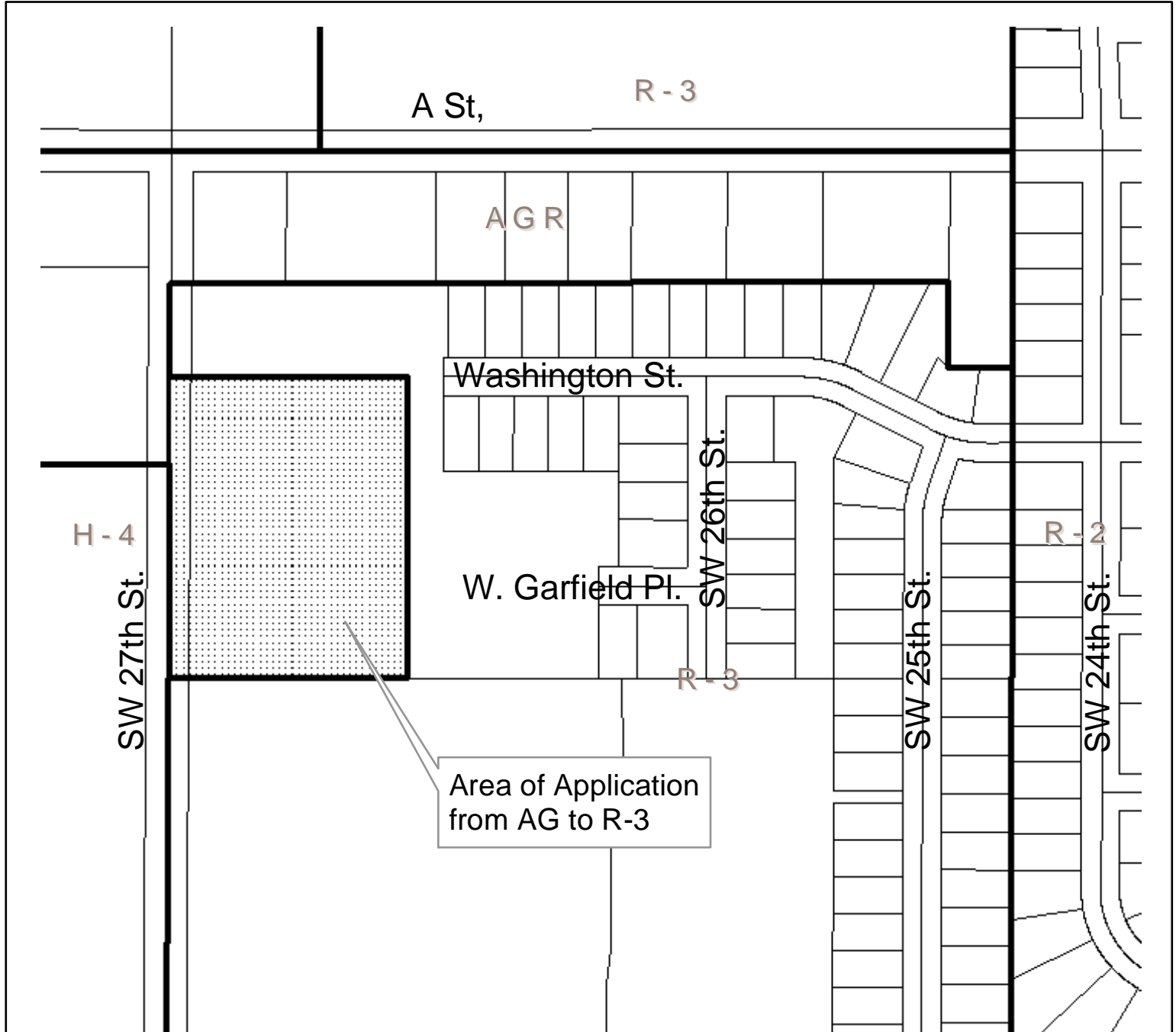
CHANGE OF ZONE FROM
AGR TO R-3

Commencing at the Northwest corner of Section 33, T 10 N, R 7 E, and
extending thence S 00°17'42" W, 353.44 feet;
Thence S 89°59'43" E, 33.00 feet to the beginning
Thence continuing on said bearing 397.44 feet;
Thence S 00°00'21" W, 30.00 feet;
Thence S 00°00'17" W, 445.00 feet;
Thence N 89°59'43" W, 399.85 feet;
Thence N 00°17'42" E, 475.00 feet to the point of beginning containing 4.35
acres, more or less.



**Change of Zone #3392
Aspen Ridge 1st Add.**



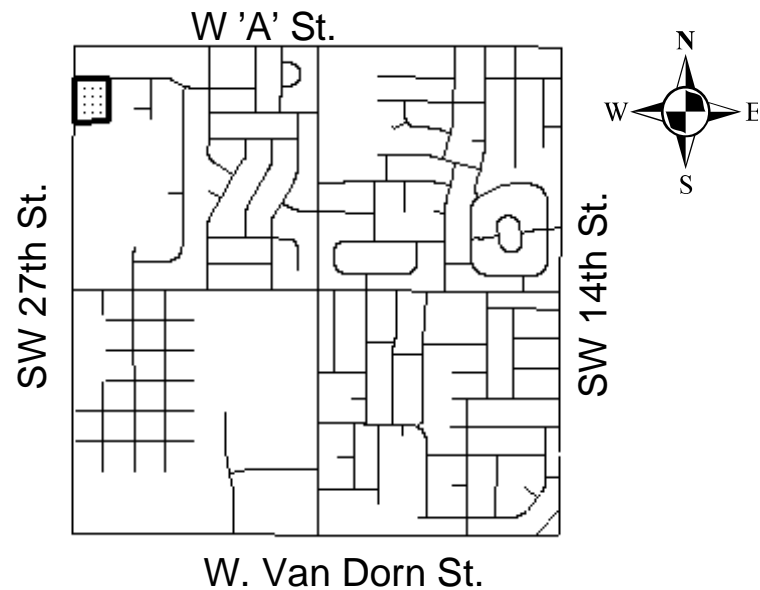
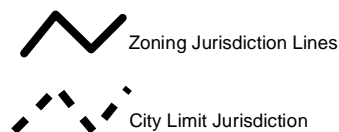


Change of Zone #3392 Aspen Ridge 1st Add.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 33 T10N R6E



ASPEN RIDGE 1ST ADDITION PRELIMINARY PLAT

W. WASHINGTON STREET

S89°59'43"E 343.00'

S00°00'17"W 120.00'

S89°59'43"E 329.60'

S00°00'17"W 150.00'

N89°59'43"W 31.00'

S00°00'17"W 175.00'

BLOCK 1

S89°59'43"E W. GARFIELD STREET - 509.72'

BLOCK 2

N89°59'43"W 643.84'

S.W. 27TH STREET

N00°17'42"E 445.00'

ASPEN
RIDGE
1ST ADDITION
PRELIMINARY
PLAT



Subject: Aspen Ridge 2nd Edition

Richard J. Fursek
Assistant Chief Operations
 Lincoln Fire & Rescue
 1801 Q Street
 Lincoln Ne. 68508
 Office 402-441-8354
 Fax 402-441-8292

City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF02098**

Address

Job Description: Development Review - Fire

Location: ASPEN RIDGE 2ND ADD

Special Permit:

Preliminary Plat: Y 02028

Use Permit:

CUP/PUD:

Requested By **TOM CAJKA**

Status of Review: Approved

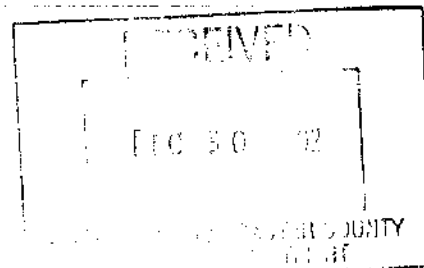
Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 2000 International Building Code and Local Amendments
- 2000 International Residential Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 2000 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards





MICHAEL WOOLMAN
<lpd737@CJIS.CI.LIN
COLN.NE.US>

To: Tom Cajka <TCajka@ci.lincoln.ne.us>
cc:
Subject: Aspen Ridge 2nd Addition

01/03/2003 08:26 AM

Mr. Cajka,

The Lincoln Police Department has no objections to the Aspen Ridge 2nd Addition PP #02028 & CZ #3392.

Sergeant Michael S. Woolman
Planning Sergeant

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Tom Cajka

DATE: January 7, 2003

DEPARTMENT: Planning

FROM: Chris Schroeder
Jerry Hood

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director

SUBJECT: Aspen Ridge 2nd
Addition

EH File
EH Administration

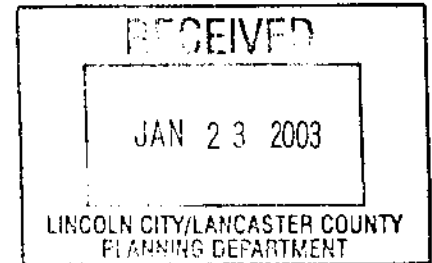
PP #02028 CZ #3392

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the applications for the preliminary plat and change of zone for the proposed Aspen Ridge development. The following items are noted:

- Sewage disposal will be served by the Lincoln Municipal collection system.
- Water service will be provided by the Lincoln Municipal Water system.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.
- The LLCHD has concerns regarding the H-4 zoning to the west of the proposed subdivision. Specifically, as a permitted use, the H-4 zone allows warehouses and mini-warehouses. Our main concern is the possibility of the storage of hazardous chemicals and/or materials. Taking into account the setbacks for the proposed R-3 zoning and H-4 zoning and the street width, yields a buffer zone of approximately 100 feet. LLCHD has historically advocated for 300' buffer zones between residential populations and the potential for the storage of hazardous chemicals/materials.

January 22, 2003

Mr. Tom Cajka, Project Planner
City-County Planning
555 So. 10th
Lincoln, NE 68508



Subject: Lincoln Airport, Lincoln, NE
Preliminary Plat: Aspen Ridge Second Addition

Mr. Cajka:

We have reviewed Mr. Ponstingl's December 20 letter and attached preliminary plat. At this time we feel it is premature to move forward with any re-zoning or plat amendments within the 70Ldn as proposed.

At this time, our noise study is several months away from completion. While "draft" documents have been provided to our Public Advisory Committee showing reduced noise contours, we are still in the process of finalizing those documents for submission to the FAA. Not until the FAA has reviewed and accepted our work will the contours be fully and finally defined.

We appreciate the developers desire to move ahead so that he can proceed in a timely manner in the event the contours change but we have some misgiving about allowing him to make investments in infrastructure developments in the hope that the noise contours will be revised. While he may understand that he is taking a risk, we are concerned that once he has made an investment in building the infrastructure required for future residential lots he is going to be very reluctant to accept any changes in zone to other than what he has planned.

I have attached a draft copy of exhibit 5B from the study. Please note that this piece of property is directly under the most heavily traveled approach and departure path to the airport. We believe to make this zone change and approve the plat change in light of this information would be a disservice not only to the developer but more importantly to any future homeowners.

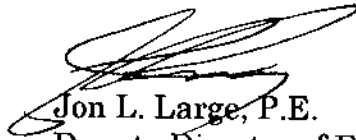
Mr. Tom Cajka
January 22, 2003
Page 2

We understand that people are anxious to move forward in the hopes that additional property can be developed. But we would also encourage everyone to understand that we are in a situation with unique environmental circumstances and we would appreciate the opportunity to complete our study prior to making decisions that may influence it's outcome.

Once again, the Airport Authority would advise against any deviation from existing noise contours and zoning regulations until the completion of our study.

Sincerely,

AIRPORT AUTHORITY

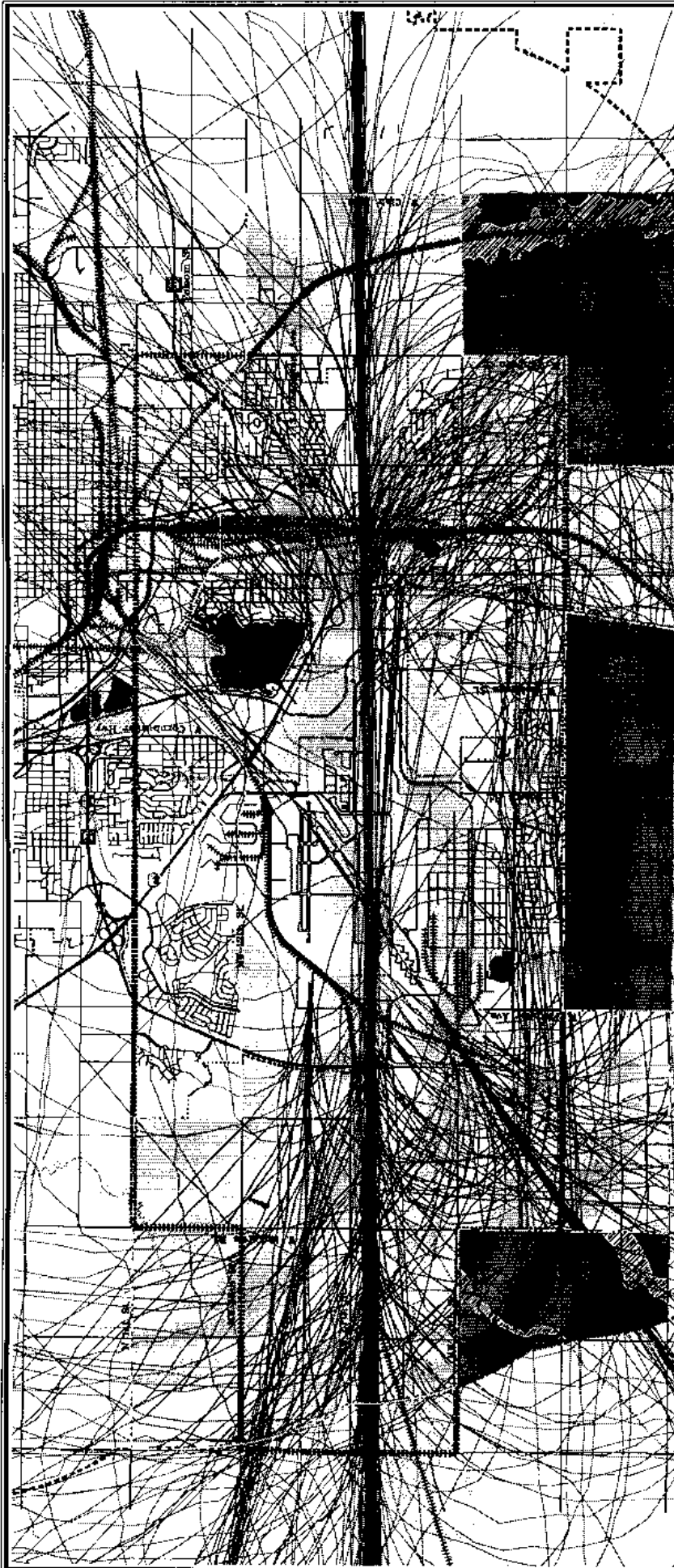
A handwritten signature in black ink, appearing to read 'Jon L. Large', is written over the printed name.

Jon L. Large, P.E.
Deputy Director of Engineering

JLL/lb

Enclosures

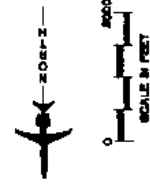
cc: Dave Fitz, Coffman Associates
Duncan Ross, City-County Planning



LEGEND

- Airport Property
- - - Municipal Boundaries
- Extra-territorial Jurisdiction
- ===== Railroad Tracks
- ===== Study Area
- Floodplain
- Airport Environs Noise District
- Airport Environs Noise District Boundary Adjustments

Radar Flight Track Data
(Does not include General
Aviation or Overflights)



DRAFT

Lincoln Airport
 Exhibit 5B
 AIRPORT ENVIRONS NOISE
 DISTRICT BOUNDARIES

Memo



To: Tom Cajka, Planning Department

From: Mark Canney, Parks & Recreation

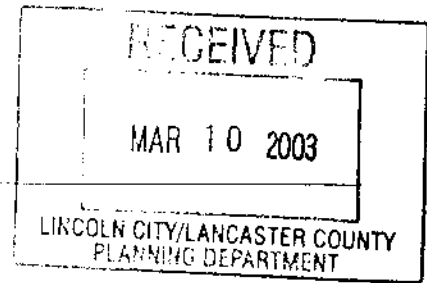
Date: March 4, 2003

Re: Aspen Ridge 02028

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have no addition comments

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

M e m o r a n d u m



To: Tom Cajka, Planning Department
From: ^{CB} Chad Blahak, Public Works and Utilities
Subject: Aspen Ridge 2nd Addition
Date: March 7, 2003
cc: Randy Hoskins
Dennis Bartels
Nicole Fleck-Tooze
Devin Biesecker

Engineering Services has reviewed the preliminary plat for Aspen Ridge 2nd Addition, located 220' south of A Street on the east side of Southwest 27th Street and finds the plat satisfactory.



INTER-DEPARTMENT COMMUNICATION

DATE March 10, 2003

TO Tom Cajka, City Planning

FROM Sharon Theobald
(Ext. 7640)

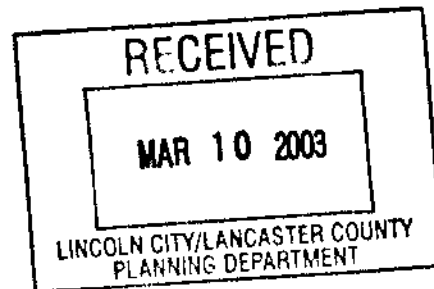
SUBJECT DEDICATED EASEMENTS
DN#15S-26W

Attached is the Revised Aspen Ridge 1st Addition Preliminary Plat.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map.

Sharon Theobald

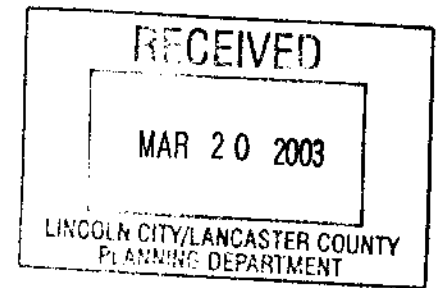


ST/ss
Attachment
c: Terry Wiebke
Easement File

Lincoln Airport Authority

March 19, 2003

Mr. Tom Cajka, Project Planner
City-County Planning
555 So. 10th
Lincoln, NE 68508



Subject: Lincoln Airport, Lincoln, NE
Preliminary Plat, Aspen Ridge – 2nd Addition

Mr. Cajka:

As we have reviewed your March 17 fax concerning additional notes on the preliminary plat, we feel, as we expressed in our January 22 letter, that it is premature to move forward with any plat amendments proposing residential development within the 70Ldn.

As we said in our earlier letter, our noise study is still several months away from completion. To date we have submitted proposed contours to the FAA for review. Not until the FAA has reviewed and accepted our work will the contours be fully and finally defined.

To move forward at this point with preliminary plans for development without knowing where our study is going is imprudent in our opinion. We feel that as soon as you allow one developer to get his plat approved, notes or not, it will open the door for any other developer who has an idea of what might or might not happen, to get their plat approved as well.

We also are very concerned about infrastructure development. In conversations with you, you have indicated that with approval of the preliminary plat the developer could move forward with all infrastructure developments, including water, sewer, storm sewer and street paving. We have serious concerns that as soon as the developer has made any investment in infrastructure he will have a case for moving ahead with development, regardless of the outcome of the study. We do not need a situation in which developers are pressuring either you or I to move forward with a development because they have made an investment, regardless of what the ordinance, or notes on a plat, say. We certainly would not look forward to a situation where the outcome of our study, which we hope will be of benefit to the whole city, is influenced because we allowed a single developer to invest money in improvements in an area he knew was not available for residential development.

Mr. Tom Cajka
March 19, 2003
Page 2

A question I continue to ask myself is why does this need to happen right now? Six to twelve months ago, this would not have been entertained by your staff. The ordinance says we don't allow residential within the 70Ldn and it would not have been shown. That is still the case today. No law, no ordinance, no statute has changed to allow residential development inside the 70. As far as we are concerned this should not even be a question. When the ordinance changes, then we will all get together and follow it, as I believe we should today. Lets stay with what the ordinance says, until it changes.

The developer obviously recognized this when he submitted his original plat. On that plat all of the area inside the 70Ldn was shown as an outlot. In the absence of a change, we believe this is a situation he should continue to plan on.


If, indeed, contours are accepted and we can move forward with a change to the location of the lines, we believe then is the time to revise the outlot to a different use. We realize this will require the developer to come back once again, but remember, in the beginning, there was no potential to develop that area as residential at all. It seems to us he should be pleased there is even the potential for developing this area, even if it does mean another trip for him.

As we said before, we don't have any problem with development of residential units between the 65 and 70 as long as they meet the criteria of the ordinance. But to even give the impression of condoning residential development inside the 70 would be a mistake on our part today.

Once again, the Airport Authority would object to any deviation from existing noise contours and zoning regulations until the completion of our study.

Sincerely,

AIRPORT AUTHORITY



Jon L. Large, P.E.
Deputy Director of Engineering

JLL/lb
cc: Mike Johnson, Legal Counsel